

# **Exhibit A**

## **(State Court Documents)**

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )  
Kathryn C. Spence, )  
Plaintiff, )  
vs. )  
Target Corporation, )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-32-

**SUMMONS**  
**(JURY TRIAL DEMANDED)**

**TO: THE DEFENDANT, TARGET CORPORATION:**

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their office at 140 East Main Street, Lexington, South Carolina 29072 within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for a judgment by default to be rendered against you for the relief demanded in the Complaint.

**DAVIS FRAWLEY, LLC**

/s/ James Randall Davis  
James Randall Davis, SC Bar No.: 1580  
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Attorney for the Plaintiff

Lexington, South Carolina  
August 19, 2021

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )  
Kathryn C. Spence, )  
Plaintiff, )  
vs. )  
Target Corporation, )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-32-

**COMPLAINT**  
**(JURY TRIAL DEMANDED)**

**TO: THE DEFENDANT, TARGET CORPORATION:**

The Plaintiff, complaining of the Defendant herein would respectfully show unto the court as follows:

1. The Plaintiff Kathryn C. Spence is a citizen and resident of Lexington County, South Carolina.

2. The Defendant Target Corporation is a Minnesota corporation doing business in the County of Lexington, State of South Carolina and is the owner and/or entity in possession and in control of the land, and improvements including entrance area to the Target retail department store located at 5119 Sunset Boulevard, Lexington, South Carolina to which the general public was invited to come to and that the Plaintiff was an invitee to these premises, being on the property to make purchases at the Defendant's business located within the property owned by this Defendant.

3. The Defendant who owns the Target Corporation which is a retail store open to the general public which performed retail services to the Plaintiff as well as other members to the public.

4. Plaintiff would show that the property described below is located in Lexington County, South Carolina and Defendant owns property and transact business in Lexington County, South Carolina and the incident occurred in Lexington County, South Carolina.

5. The parties in the subject matter herein are within the jurisdiction of this Court and the venue in the case is proper in Lexington County.

**FOR FIRST CAUSE OF ACTION**  
**(NEGLIGENCE/GROSS NEGLIGENCE)**

6. The Plaintiff would reallege the allegations in Paragraphs 1 through 5 as fully set forth herein.

7. Plaintiff would show that on or about August 22, 2018, the Plaintiff drove to the business of Target Corporation located at 5119 Sunset Boulevard, Lexington, South Carolina and proceeded to walk toward the entranceway of the said Target retail store when she tripped and fell on a rolled curb/rain gutter, an uneven walking surface and sustained serious injuries.

8. Plaintiff would show the Defendant owed her a non-delegable duty of reasonable care to provide for her safety, including maintaining a safe entrance area free from dangerous defects and conditions, and/or the Defendant owed a duty to warn her of latent or hidden dangers in the entrance area which it had knowledge of or were reasonably discoverable; and/or it owed her a duty to anticipate the harm despite any obviousness of the dangerous condition that existed.

9. The Defendant negligently and recklessly breached the duties of due care owed by it to the Plaintiff in one or more of the following ways:

A. By designing, constructing, or maintaining an entrance area intended for public use, which they knew or should have known contained the conditions set forth in paragraph 7 above, thereby creating unsafe and dangerous walking conditions for the public, including the Plaintiff;

- B. By designing, constructing, and/or an entrance area intended for public use, in a dangerous condition without providing any warnings, and failing to provide any protection against the unsafe conditions;
- C. By failing to hire, employee, contract with or otherwise train or supervise persons knowledgeable in public safety or otherwise capable of evaluating the risks and hazards of the entrance area to the Defendant's retail store;
- D. By maintaining the entrance area intended for public use without providing reasonable periodic maintenance, repair and inspection and thereby allowing the entrance area to become dangerous to those members of the public who would foreseeably use or walk on it;
- E. By undertaking the maintenance and repairs of the entrance area, but failing to exercise due care in the maintenance and repairs;
- F. By maintaining the entrance area intended for public use which violate applicable statutes, codes and standards which include ASTM Standards, The Americans with Disability Act, Standard for Accessible Design, and standards of the American National Standards Institute;
- G. By failing to correct the defects and unsafe conditions in the entrance area after having notice, actual and constructive, of the defect and unsafe conditions created by the entrance area; and
- H. By such other and further acts of negligence, reckless and willful conduct as will be shown by the evidence produced at trial.

10. No conditions existed at the time of this incident which would have prevented the Defendant in the exercise of due caution, and in the furtherance of their duty to provide safe

premises for members of the public, from inspecting the condition of the entrance area, making necessary corrections or replacements, or otherwise rendering the entrance area safe and fit for use in this public place.

11. Defendant's conduct demonstrates a complete absence of due care and such conduct and/or failure to act was negligent, grossly negligent and reckless and constituted a willful disregard for the safety of the intended and foreseeable users of the entrance area.

12. As a direct and proximate result of one or more of the negligent, grossly negligent, reckless and willful acts or omissions complained of above, the Plaintiff suffered a serious fall and sustained serious injuries including but not limited to the following:

- A. Plaintiff would show that she has sustained a head injury, a subdural hematoma to the face, thigh injury and the loss of two teeth resulting in permanent physical injury and impairment;
- B. Pain and suffering from the time of the incident;
- C. Substantial loss of enjoyment of life, and recreational opportunities;
- D. Embarrassment, humiliation and mental anguish; and
- E. Medical expenses and future certain medical expenses.

13. Plaintiff is informed and believed she is entitled to actual damages in an amount to be determined by a jury and/or other trier of fact, punitive damages in an amount to be determined by the trier of fact to the extent the Defendant's behavior is found to be reckless, willful or wanton.

**WHEREFORE**, Plaintiff having fully set forth her cause of action respectfully prays for a judgement against the Defendant for actual damages, punitive damages, cost of this action, and for such other and further relief this Court may deem just and proper.

**DAVIS FRAWLEY, LLC**

/s/ James Randall Davis

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Lexington, South Carolina  
August 19, 2021

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